

Parliamentary sovereignty

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BMLW4006/BMLW4011

A constitution is particularly important to have when making laws. It creates institutions with the government and creates rights withing society.

Law.cornell.edu/wex/constitution

It is where rules are set up and those in power politicians and government members have limits, and it regulates them. It also sets up authority withing the public where they can provide opportunities through a “political process.” The Uk does not have a written constitution as most countries, but we still are a constitution which makes it difficult to understand but is spared across several places like “parliament” and some judges help organize how the system is run. The Uk has no concept of higher law which also means no special conditions for particular people.

Consoc.org.uk/theconsitutionexplained

There are 3 principles to the constitution parliamentary sovereignty, the rule of law and separation of powers. Parliamentary sovereignty states that no one, not even the monarchy, is above or beyond the law of state. The rule of law is put there so everyone can abide by the rules of law in a respectful manner. The role of the monarch is to sign off on legislations and to open and close ceremonies and parliamentary sessions. Ministerial accountability enables the government to hold those in power accountable for their actions. They are made to accept accountability and be made to resign from the government. Devolution is the power giving to certain regains of the Uk without say or control from Westminster. The human rights act 1998 mixes with the European conversation on human rights with merges with the Uk law enables that everybody withing the Uk has a right to freedom of speech and freedom of expression.

www.uollb.com/blog/law/uk-constitutional-principles

Parliamentary sovereignty can be explained as parliament or west minister can amend or enact any law, they see fit and “no one has the authority to stop them” but this means it must be on a political constitutionalism and not a legal constitutionalism. It seems that because we do not have a written constitution parliament sovereignty can be used with legislations to enforce laws upon the land. Which invokes the question what powers parliament lack to which they do not. Laws can be put down if it respects the terms of the constitution.

www.publiclawforeveryone.com/2014/10/15/1000-words-parliamentary-sovereignty

is free to put laws down or legislation on the law they willingly choose to. A main feature of our constitution is to understand the "legislative creation" and the history of the house of parliament.

(m.foran) 18 oct 2021 parliamentary sovereignty and the politics of law making

The separation of powers shows how the UK works it is about having a particular power within 3 branches of state. These branches are put there so not one part is more powerful than the other. These branches consist of "the legislature makes the law" as spoken of before parliament which consists of the house of commons and the house of the lords will debate bills and legislations and finalize new laws or reject them then the crown which is currently the king gives it his royal assent then makes this law official also scrutiny work is done which challenges bills done by the government.

As the UK is undergoing devolution which involves the Senedd and the Scottish national party and the Northern Ireland assembly they all have been giving their own power to make their own laws from the house of parliament this means all these current realms will have their own first ministers and governments.

The judiciary system is made up of judges and officers of the courts that are seen by the supreme court "the highest court in the UK" so this means within the UK we have 3 different court systems plus the supreme courts which sits on top.

www.bihr.org.uk/get-informed/legislation/separation-of-powers

There is a good case we should consider while talking about parliamentary sovereignty and that is party gate. Party gate are allegations made over the period of covid lockdowns in 2020. These accusations took place over the Christmas period with the prime minister and several members of parliament, and the government was said to have had a party. The police did an investigation, and it was called operation hill man. This investigation looked at records and photographs that were taken at the event. On May the 19th the investigation was finalized and 126 referrals for fixed penalty notices were issued. It was later found that many powerful members of the government were involved with party gate one of them is our current prime minister Rishi Sunak. He and alongside 30 people received fines for taking part in this gathering. It is understandable that parliament are the higher power and make the decisions on what laws should be applied and they are the reigning power of this country, but no one is above the law and this party gate is a prime example on how government officials like to think that they are. Till this day this investigation is ongoing and parliament officials are still being fined and punished for their actions.

www.instituteforgovernment.org.uk/article/explainer/partygate-investigations

Parliament and the government have been in a battle for a while with the supreme court over this Brexit deal. The supreme court ruled that "it was unlawful for the prime minister to advise the queen prorogue parliament. There were 11 judges who were analyzing the case, and they all reached a unanimous decision "the prorogation never happened".

Rule number 1 of the constitution is that parliament is Sovereign. Parliament makes the legislations, and the public must follow them the supreme court roles pushes far wider than “previous judgements”

Rule number 2 of the construction principle and can be argued as the second rule is “ministerial accountability to parliament” questions will be thrown at the ministers over exercise of power. Parliament is accountable for holding the government to account if there is any wrongdoings and if anything threatens that the court will have to move to guard it.

(R.Hogarth) 25th sept 2019 the supreme court has fortified parliament's constitution role and its own

Parliament has the power to alter legislation and amend laws without external constraints. The human rights act 1998 this act compels that the courts break down legislations in a way where it is compatible with the European convention on human rights.

www.uollb.com/blog/alevel-law/explain-the-limitations-on-parliamentary-supremacy

Sir Ivor Jennings had made many unbelievable studies of the house of parliament. He wrote 2 books in the 1930s when he was at the peak of his potential. That a look at his method of how he outlines the argument of parliament and” its ongoing significance”

(A.Tomkins) sept 2004 pp772-786

A good question is, is devolution challenging the power of parliament and its sovereignty a direct rule was imposed on 1972 to 1998 Northern Ireland got its own government what makes this event so special is that now Wales and Scotland have followed “it would be difficult to be seen reversed” although there are still limitations on laws that can be applied parliament could still unmake legislations in these realms

www.quizlet.com/gb/603784760/module-7-limitations-parliamentary-sovereignty

So, to conclude my argument it is easy to say parliament are the over seers law makers and main power of this country even with an unwritten constitution, but it does consist of furthermore there are laws of the land that need to be followed even by government officials with state “no one is above the law”

(M.Johnson) 4th dec 2017 the models of parliamentary sovereignty

References

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